

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

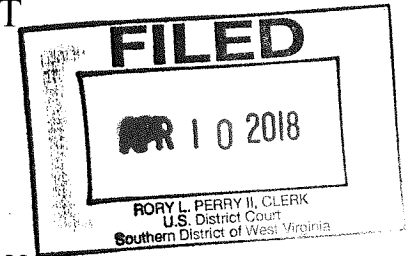
United States of America

v.

Michael Justin Bailey
Sarah K. Bailey

Case No.

1:18-mj-00022



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 5, 2018 in the county of Mercer in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

18 U.S.C. 1951

Offense Description

Interference with commerce by threats or violence. (Hobbs Act Robbery)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Lauren Viup, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: April 10, 2018

Judge's signature
City and state: Huntington, WV

Cheryl A. Eifert, United States Magistrate Judge

Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH, to-wit:

I, Special Agent Lauren Viup, ATF, being first duly sworn, do hereby depose and state as follows:

1. I am currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed since January of 2016. I am assigned to ATF's Charleston field office and my duties include investigating firearms, fire, and explosives cases, as well as cases involving the use of firearms during and in relation to crimes of violence and drug trafficking offenses.
2. The information in this Affidavit is based on my personal knowledge, information provided to me by other law enforcement officers, and other persons. As a result, I am familiar with the facts and circumstances of this investigation. Based on the information I have gathered throughout the investigation, I have determined the following:
3. On or about November 5, 2017, at or near Bluefield, Mercer County, West Virginia, within the Southern District of West Virginia, Michael Justin Bailey and Sarah K. Bailey robbed Rosie's II, a video gambling business in Bluefield,

and thereby unlawfully obstructed, delayed, and affected interstate commerce.

4. Through my investigation, it was determined that various customers of the video gambling business traveled from Virginia to engage in activities at Rosie's II, thereby affecting interstate commerce.

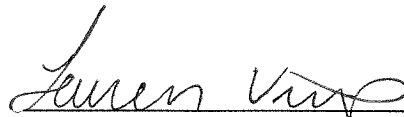
5. In committing the robbery, defendants brandished firearms, and unlawfully took approximately \$4,960 from Rosie's II and personal items from patrons and an employee of Rosie's II, by threatening to use force and violence. Defendants threatened the employee and several patrons visiting Rosie's II with the firearms. Defendants also restrained the employee by binding her hands and feet with duct tape.

6. The robbery was recorded on surveillance video. I reviewed the video and observed defendants brandishing the firearms while inside Rosie's II. Staff members of Rosie's II were able to identify defendants through the video surveillance.

7. Based on my training and experience, and the information stated above, the undersigned asserts there is probable cause to believe that defendants Michael Justin Bailey and Sarah K. Bailey violated 18 U.S.C. § 1951 as set forth above by

robbing an employee and patrons of Rosie's II, a business affecting interstate commerce.

Further your affiant sayeth naught.


S/A Lauren Viup, ATF

Sworn to before me, and subscribed in my presence, this 10th day of April, 2018.


CHERYL A. EIFERT
United States Magistrate Judge